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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,321	03/25/2004	Hiroyuki Sakai	Q91051	5430
23373 SUGHRUE MI	7590 02/21/200 ON, PLLC	EXAMINER		
2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LAZORCIK, JASON L	
			ART UNIT	PAPER NUMBER
	,		1731	-
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
31 D	AYS	02/21/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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	Application No.	Applicant(s)	_				
	10/808,321	SAKAI ET AL.					
Office Action Summary	Examiner	Art Unit					
	Jason L. Lazorcik	1731					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with t	he correspondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICAT 36(a). In no event, however, may a reply vill apply and will expire SIX (6) MONTHS cause the application to become ABAND	FION. be timely filed from the mailing date of this communication. FONED (35 U.S.C. § 133).					
Status	÷	•					
1)⊠ Responsive to communication(s) filed on <u>07 Se</u>	eptember 2004.						
·=	· <del></del>						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11	I, 453 O.G. 213.					
Disposition of Claims							
4)⊠ Claim(s) <u>1-15</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
	6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.		•					
8) Claim(s) <u>1-15</u> are subject to restriction and/or e	election requirement.						
Application Papers							
9) The specification is objected to by the Examine	r						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correcti							
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Of	fice Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 11	9(a)-(d) or (f).					
• • • • • • • • • • • • • • • • • • • •	1. ☐ Certified copies of the priority documents have been received.						
· · · · · · · · · · · · · · · · · · ·							
<ol><li>Copies of the certified copies of the prior</li></ol>	3. Copies of the certified copies of the priority documents have been received in this National Stage						
	application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of	of the certified copies not rec	eived.					
Attachment(s)							
Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summ	nary (PTO-413) ail Date					
B) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Inform 6) Other:						
Patent and Trademark Office			_				

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## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species: \*\*\*

- A method of manufacturing a glass lens wherein the temperature of the glass material is corrected in response to a detected irregularity in the lens
- A method of manufacturing a glass lens wherein the starting temperature
  of the glass mold or "preheat temperature" is corrected in response to a
  detected irregularity in the lens
- A method of manufacturing a glass lens wherein a dynamic temperature or cooling rate of the glass mold is corrected in response to a detected irregularity in the lens
- 4. A method of manufacturing a glass lens wherein the load applied to the glass material is corrected in response to a detected irregularity in the lens

The species are independent or distinct because each identified method species leverages a unique a control algorithm and/or physical means to adjust the manufacturing method in response to a detected irregularity in the product.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

A telephone call was made to Alan Casper on February 5, 2007 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Lazorcik whose telephone number is (571) 272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLL

STEVEN P. GRIFFIN SUPERVISORY PATENT EXAMINER TECHNOLOGY CEPTER 1700